

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

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**In re:** : **Chapter 11**  
:   
**CIRCUIT CITY STORES, INC., et al.,** : **Case No. 08-35653-KRH**  
:   
**Debtors.** : **Jointly Administered**  
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**NOTICE OF APPEARANCE AND REQUEST FOR  
SERVICE OF PAPERS AND RESERVATION OF RIGHTS**

**PLEASE TAKE NOTICE** that the undersigned appears for Kimco Realty Corporation (the "Landlord") and pursuant to Rules 2002 and 3017(a) of the Rules of Bankruptcy Procedure and 11 U.S.C. § 1109(b) requests that all notices given or required in this case, and all documents, and all other papers served in this case, be given to and served upon:

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**PLEASE TAKE FURTHER NOTICE** that pursuant to Section 1109(b) of the Bankruptcy Code, the foregoing request includes not only the notices and papers referred to in the rule specified above but also includes, without limitation, orders and notices of any application, motion, petition, pleading, request, complaint or demand, whether formal or informal, whether written or oral, and whether transmitted or conveyed by mail, delivery, telephone, electronically or otherwise, which affects the Debtors or the property of the Debtors.

**PLEASE TAKE FURTHER NOTICE** that neither this notice nor any later appearance, pleading, claim, or suit shall waive any right (1) to have final orders in non-core matters entered

only after de novo review by a District Judge, (2) to trial by jury in any proceeding so triable in this case or any case, controversy, or proceeding related to this case, (3) to have the District Court withdraw the reference in any matter subject to mandatory or discretionary withdrawal, or (4) to any other rights, claims, actions, defenses, setoffs, or recoupments to which the Landlord is or may be entitled under agreements, in law or in equity, all of which rights, claims, actions, defenses, setoffs and recoupments are expressly reserved.

Dated: New York, New York  
November 11, 2008

**MORGAN, LEWIS & BOCKIUS LLP**  
Attorneys for Kimco Realty Corporation

By: /s/ Neil E. Herman  
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